

56
1885

Sir G. Grey.

CONTEMPTS OF COURT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Law relating to Contempts of Court.

Title.

WHEREAS it is expedient to amend the law affecting contempts of Court, and to make certain provisions in relation thereto :

Preamble.

5 BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

1. The Short Title of this Act is "The Contempts of Court Act, 1885."

Short Title.

10 2. From and after the passing of this Act the Supreme Court, Court of Appeal, or any Judge thereof respectively in all jurisdictions, shall, in respect of all contempts whatsoever which arise judicially in the face of the Court, or in respect of contempts by wilful resistance or breach of any order, process, or injunction respectively of such Court

15 or Judge, or by wilful disobedience by any officer of such Court, have the following and no other power to punish any such contempt, that is to say, summarily, respectively by imprisonment for any term not exceeding for each offence *three* months, or by fine not exceeding for

20 such fine the Court or Judge aforesaid may commit the person adjudged guilty of such contempt to prison for any time not exceeding the term of *three* months, unless such fine be sooner paid, in which case such person shall thereupon be immediately liberated ; and in the cases of contempts by disobedience of injunction, wherefrom

25 irreparable injury shall have resulted, the said Court or any Judge thereof may, in such cases, and in addition to the said fine or imprisonment, assess the amount of damages arising from such injury, and order the payment thereof to the person or persons entitled thereto, and in default of payment of such damages may further

30 punish the person or persons so making default in payment as last aforesaid by fine or imprisonment as hereinbefore provided.

Punishment of contempts in face of Court.

Proceedings on
newspaper con-
tempt, &c.
Trial by jury.

3. In all cases of contempt of the superior or other Courts of the colony arising from the publication of matter in any newspaper, as defined in "The Printers' and Newspapers Registration Act, 1868," or otherwise written, printed, or published (except such as may be punishable summarily as aforesaid as contempts in the face of the Court) relating to such Court, or to the Judges thereof acting in their judicial capacity, or relating to the parties or witnesses in any cause or proceeding depending therein, whether such Court be sitting or not, the punishment by fine or imprisonment, and the alternative imprisonment on default of payment of such fine, provided respectively in the preceding section shall apply, and no other punishment or disability shall be ordered, inflicted, or be valid, except after trial as in criminal cases by a jury in such Court of competent jurisdiction as may be ordered by such Court or Judge, and under such rules of procedure as the Judges of the Supreme Court may in such behalf make from time to time, in which case the proprietor of the newspaper in which such contempt is published, or the writer, printer, or publisher respectively of such contempt, shall, in the discretion of the presiding Judge, after verdict of guilty found by such jury, be liable to a penalty not exceeding *one hundred* pounds, or to imprisonment for a period not exceeding six months, with or without hard labour.

Exercise of
summary power a
bar to further pro-
ceedings.

4. The exercise of every summary power of punishment against any person or persons for contempt under this Act shall preclude any further proceeding or trial in relation to the same person or persons for the same contempt.